GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Prisoners - Grant of Special Remission to the life convicted prisoners as per the directions of the Hon'ble Supreme Court of India in SLP (Criminal) No.529/2021 – Permanent Guidelines - Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.Ms.No.58

Dated:16.03.2023
Read the following:-

1. G.O.Ms.No.17, Home (Prisons.B2) Department, dated.17.01.2003.
2. Hon'ble Supreme Court of India orders dated 07-07-2021 in SLP (Crl.) No.529/2021 Sonadhar Vs the State of Chhattisgarh.
3. Hon'ble Supreme Court of India orders dated 06-10-2021 in SLP (Crl.) No.529/2021 Sonadhar Vs the State of Chhattisgarh.
4. Hon'ble Supreme Court of India orders dated 09-02-2022 in SLP (Crl.) No.529/2021 Sonadhar Vs the State of Chhattisgarh.
5. From the Director General of Prisons and CS, Andhra Pradesh, Mangalagiri vide Letter No. RC2/200/2021, dated: 16-09-2022.

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ORDER:-

The Hon'ble Supreme Court of India in their orders dated 07-07-2021 in SLP (Criminal) No.529/2021 have stipulated a tentative timeline and procedure for premature of Life Convicts. In its order dated 09-02-2022, the Hon'ble Apex Court have also ordered the state Government for bringing Consistent Policy into being for premature of Life Convicts. Basing on the orders of the Hon'ble Supreme Court of India, the following timeline and procedure are prepared that are to be followed for premature release of life convicted prisoners:

(Cut-off date for: Phase-I is 1st June of Calendar Year; Phase-II is 1st October of Calendar Year, Phase-III is 1st February of Calendar Year)

Steps	Procedure	Timeline		
		Phase-I	**Phase-II**	**Phase-III**
		Prisoners, who are eligible as on 1st June	Prisoners, who are eligible as on 1st October	Prisoners, who are eligible as on 1st February
Step-1	Identification of Prisoners	**1st-15th January**	**1st-15th May**	**1st-15th September**
Step-2	Collection of Documents	**Upto 31st March**	**Upto 31st July**	**Upto 30th November**
Step-3	Recommendations of Higher Authority	**1st July** (period of 3 months)	**1st November** (period of 3 months)	**1st March** (period of 3 months)
Step-4	Decision of State Government	**1st October** (Period of 3 months)	**1st February** (period of 3 months)	**1st June** (period of 3 months)

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Steps	Procedure	Authority
Step I	**Identification of Prisoners** The jail Superintendent shall identify and prepare list of prisoners, who are eligible to be considered for premature release six (6) months prior to such prisoners becoming eligible. Assistance of concerned District Legal Services Authority (DLSA) may be sought to carry out this activity. The Jail Superintendent shall carry out this task once every four months in January, May and September. The prisoner shall make his application upon being informed of his eligibility. The concerned District Legal Services Authority (DLSA) if requested may assist such prisoner in making the application.	Jail Superintendent
Step II	**Collection of documents** Jail Superintendent shall gather all necessary documents as per the guidelines in this G.O., within a period of three (3) months. 1) If any concerned authority fails to provide any necessary documents or any other requirement as per the guidelines in this G.O., within a period of thirty (30) days, the Jail Superintendent shall send a reminder on expiry of such period. 2) If the Jail Superintendent does not receive the required documents, he shall send the application with the collected documents to the Higher Authority in this G.O.	Jail Superintendent
Step III	**Recommendations of Higher Authority** The Director General of Prisons and Correctional Services, Andhra Pradesh shall collect any remaining documents and forward the file to the Standing Committee constituted in this G.O., for their recommendations.	Director General of Prisons and Correctional Services, Andhra Pradesh
Step IV	**Decision of State Government** The State Government may make its decision whether to release the prisoner or reject his premature release application within three (3) months of receipt of the recommendations of the Standing Committee.	State Government

2. In obedience to the orders of the Hon'ble Supreme Court of India in SLP(Criminal) No.529/2021, the Government have decided to periodically review and recommend the cases of life convicted prisoners who have been convicted for an offence or offences against laws relating to matters to which the executive power of the State extends with certain conditions for grant of the special remission, under article 161 of the Constitution of India, though they are covered by Section 433-A of the Code of Criminal Procedure,1973 (Central Act No. 2 of 1974).

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3. Accordingly, relaxing the orders issued in the reference 1st read above, the Government hereby issues the following guidelines to consider special remission in the cases of following categories of life convicted prisoners who have been convicted by Civil Courts of criminal jurisdiction. These guidelines will be applicable to the following life convicts undergoing life sentence, keeping in view of their good behaviour, subject to conditions as specified at para-4 below:-

a. Cases of convicted **women** prisoners sentenced to imprisonment for life, including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974), who have undergone an actual **sentence of three (3) years** including the remand period and total **sentence of five (5) years** including remission as on the cut-off date of respective Phase shall be considered for release.

b. Cases of convicted **male** prisoners sentenced to imprisonment for life including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and who have undergone an actual **sentence of seven (7) years** including the remand period and total **sentence of ten (10) years** including remission as on the cut-off date of respective Phase shall be considered for release.

c. Cases of the old and decrepit prisoners as defined in Rule 321 (h) of the Andhra Pradesh Prison Rules, 1979, read with G.O.Ms.No.44, Home (Prisons.B2) Department, dated: 16-03-2007, who become eligible as on the cut-off date of respective Phase shall be considered for release.

d. Cases of the convicted prisoners sentenced to imprisonment for life including those governed by Section 433-A of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) aged more than 65 years and have undergone an actual **sentence of five (5) years** including remand period and **total sentence of seven (7) years** including remission as on the cut off date of respective Phase shall be considered for release.

4. The remission of sentence in para (3) above shall apply to life convicted prisoners, who have been convicted by the courts situated within the State of Andhra Pradesh and are undergoing sentence in Andhra Pradesh and in other States, but shall not apply to the following category of prisoners, namely:

1. The Life convicts convicted and sentenced by courts situated outside the State of Andhra Pradesh.
2. The Life convicts convicted of offences against laws relating to a matter to which the executive powers of the Union extends;
3. The Life convicts involved in and convicted for offences related to communal incidents;
4. The Life convicts who are punished for any prison offence during the last three (3) preceding years.
5. The Life convicts those who are punished for any serious prison offence like revolt/ organizing revolt against the prison administration anytime during their entire period of stay in the prison.
6. The Life convicts, who are released on parole / furlough and who commit /attempt any of the offences punishable under any law for the time being in force.
7. The Life convicts, who have escaped from custody during preceding three (3) years and have not surrendered voluntarily.
8. The Life convicts convicted under the Essential Commodities Act, 1955.

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9. The Life convicts convicted under Narcotic Drugs and Psychotropic Substances Act, 1985, the Andhra Pradesh Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1993, the Prevention of Terrorism Act, 2002 and the Special Acts enacted for Prevention of Terrorism and Mafia and other organized crimes who had been sentenced to imprisonment for life.
10. The Life convicts, who have committed offence/offences against girls upto eighteen (18) years of age or boys upto sixteen (16) years of age.
11. The Life convicts, who are convicted for Kidnapping and related offences under sections 363-A, 364, 364-A, 366, 366-A, 366-B, 367, 368, 369, 372 and section 373 of the Indian Penal Code, 1860.
12. The Life convicts convicted in crimes against women under section 376 of the Indian Penal Code, 1860.
13. The Life convicts being Professional killers, who have been guilty of murder by being hired.
14. The Life convicts convicted under waging or attempting to wage war, or abetting the waging of war, against the Government of India.
15. The Life convicts convicted of murder of Public Servants while performing duty.
16. The Life convicts sentenced to death sentence, which is later commuted to life sentence.
17. The Life convicts, who are at large on Parole/Furlough/Bail as on cut-off date of respective Phase.
18. The Life convicts involved and convicted for Life in two or more different murder cases.
19. The Prisoners, where life sentence has been awarded specifying that the convict shall undergo life sentence till the end of his life without remission or commutation;
20. The Prisoners, where life sentence has been awarded specifying that the convict, shall not be released by granting remission or commutation till he completes a fixed term such as twenty (20) years or twenty five (25) years or like.
21. The Prisoners, where no application for remission or commutation was preferred or considered *suo motu* by the concerned State Governments/authorities.
22. The Prisoners, where the investigation was conducted by Central Investigating Agency like the Central Bureau of Investigation.
23. The Prisoners, where the life sentence is under any Central law or under section 376 of the Indian Penal Code, 1860 or any other similar offence.

5. The cases of prisoners, who are convicted for life along with offences under the following provisions of the Law, subject to not coming under purview of the conditions at para-4 above, shall be considered for grant of remission by the Government after undergoing the periods of sentence as specified:

1. (a) The Life convicts (male) convicted under sections 379 to 402 of the Indian Penal Code, 1860; on completion of fourteen (14) years of actual sentence including the remand period and twenty (20) years of total sentence including remission as on the cut-off date of respective Phase, provided the convict does not have a past history of conviction under any of those sections.

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(b) The Life convicts (female) convicted under sections 379 to 402 of the Indian Penal Code, 1860; on completion ten (10) years of actual sentence including the remand period and fourteen (14) years of total sentence including remission as on the cut-off date of respective Phase, provided the convict does not have a past history of conviction under any of those sections.

2. Life convicts who have overstayed on parole/furlough for more than three (3) days in the last preceding three (3) years; on completion of ten (10) years of actual sentence with remand period and fourteen (14) years with remission as on the cut-off date of respective Phase.

3. (a) Life Convicts (Male) convicted for life imprisonment and involved in Sections 304-B, 306, 354 and 498-A Indian Penal Code, (IPC) 1860; shall be released on completion of fourteen (14) years of actual sentence including remand and twenty (20) years of total sentence including remission as on the cut-off date of respective Phase as per NHRC guidelines.

(b) Life Convicts (Female) convicted for life imprisonment and involved in Sections 304-B, 306, 354 and 498-A Indian Penal Code, (IPC) 1860; shall be released on completion of ten (10) years of actual sentence including remand and fourteen (14) years of total sentence including remission as on the cut off date of respective Phase as per NHRC guidelines.

6. The Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri is requested to send the list of prison-wise eligible life convicted prisoners as per the timeline as mentioned above at para-1 as per the orders of the Hon'ble Supreme Court of India in SLP(Criminal) No.529/2021 in the proforma annexed to this order.

7. A Committee with the following members, under the Chairmanship of the Principal Secretary to Government, Home Department is hereby constituted, to review the lists and recommend to Government for consideration of special remission:-

Sl. No. (1)	Name of the Post and Address (2)	Designation (3)
1	Principal Secretary to Government, Home Department, Government of Andhra Pradesh, Velagapudi, Amaravati.	Chairperson
2	Secretary to Government, Legal Affairs, Law Department, Government of Andhra Pradesh, Velagapudi, Amaravati.	Member
3	Director General of Police, Andhra Pradesh, Mangalagiri Or his nominee.	Member
4	Chief Legal Advisor, CID, Andhra Pradesh, a District Judge Cadre Officer.	Member
5	Additional Director General of Police (Intelligence) O/o the Director General of Police, Andhra Pradesh, Mangalagiri.	Member
6	Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri.	Member/ Convener

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5. The above Committee so constituted will examine and scrutinize each case on its merit and recommend or reject with reasons in writing so as to avoid future legal complications.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, Andhra Pradesh, Mangalagiri.
The Secretary to Government, Legal Affairs, Law Department, Andhra Pradesh, Velagapudi, Amaravati.
The Chief Legal Advisor, CID, Andhra Pradesh.
The Additional Director General of Police (Law & Order), O/o. The Director General of Police and Inspector General of Police, Andhra Pradesh.
The Addl. Director General of Police (Intelligence) O/o the Director General of Police, Andhra Pradesh, Mangalagiri.
Copy to:
The Director, Information & Public Relations, Andhra Pradesh, Vijayawada.
PS to Principal Secretary to the Hon'ble Governor of Andhra Pradesh
PS to Spl. Chief Secretary to the Hon'ble Chief Minister. A.P.,
PS to the Hon'ble Minister for Home. A.P.,
OSD to Chief Secretary to Government. A.P.,
PS to Principal Secretary to Government, Home Department A.P.,
The Law (C) Department.
The Hon'ble Member Secretary, A.P.State Legal Services Authority, First Floor, Interim Judicial Complex, Hon'ble High Court of Andhra Pradesh, Nelapadu, Amaravati.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER